

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/164,898Filing Date October 1, 1998First Named Inventor James AkiyamaArt Unit 2188Examiner Name Vital, Pierre M.Attorney Docket No. 042390.P3373

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SEP 29 2003

Technology Center 2100

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO).

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37. C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed      09/26/2003 BABRAHA1 00000059 09164898
- i. ☒ Amendment/Reply      01 FC:1801      750.00 OP
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
- iv. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 750.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Mark L. WatsonRegistration No. (Attorney/Agent) 46,322

Signature \_\_\_\_\_

Date September 22, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type) Leah Schwenke

Signature \_\_\_\_\_

Date September 22, 2003



## FEE TRANSMITTAL FOR FY 2003

TOTAL AMOUNT OF PAYMENT (\$) \$750.00

Complete if Known:

Application No. 09/164,898

Filing Date October 1, 1998

First Named Inventor James Akiyama

Group Art Unit 2188

Examiner Name Vital, Pierre M.

Attorney Docket No. 042390.P3373

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### METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666

Deposit Account Name \_\_\_\_\_

☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed: ☒ Check  
\_\_\_\_\_ Money Order  
\_\_\_\_\_ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity    |          | Small Entity |          | Fee Description                    | Fee Paid    |
|-----------------|----------|--------------|----------|------------------------------------|-------------|
| Code            | Fee (\$) | Code         | Fee (\$) |                                    |             |
| 1001            | 750      | 2001         | 375      | Utility application filing fee     | _____       |
| 1002            | 330      | 2002         | 165      | Design application filing fee      | _____       |
| 1003            | 520      | 2003         | 260      | Plant filing fee                   | _____       |
| 1004            | 750      | 2004         | 375      | Reissue filing fee                 | _____       |
| 1005            | 160      | 2005         | 80       | Provisional application filing fee | _____       |
| SUBTOTAL (1) \$ |          |              |          |                                    | <u>0.00</u> |

#### 2. EXTRA CLAIM FEES

|                    |           |          | Extra Claims | Fee from below | Fee Paid      |
|--------------------|-----------|----------|--------------|----------------|---------------|
| Total Claims       | <u>19</u> | - 20** = | <u>0</u>     | X              | = <u>0.00</u> |
| Independent Claims | <u>4</u>  | - 6 =    | <u>0</u>     | X              | = <u>0.00</u> |
| Multiple Dependent |           |          |              |                | = _____       |

\*\*Or number previously paid, if greater; For Reissues, see below.

| Large Entity    |          | Small Entity |          | Fee Description   | Fee Paid    |
|-----------------|----------|--------------|----------|---|-------------|
| Code            | Fee (\$) | Code         | Fee (\$) |   |             |
| 1202            | 18       | 2202         | 9        | Claims in excess of 20                                    | _____       |
| 1201            | 84       | 2201         | 42       | Independent claims in excess of 3                         | _____       |
| 1203            | 280      | 2203         | 140      | Multiple dependent claim, if not paid                     | _____       |
| 1204            | 84       | 2204         | 42       | **Reissue independent claims over original patent         | _____       |
| 1205            | 18       | 2205         | 9        | **Reissue claims in excess of 20 and over original patent | _____       |
| SUBTOTAL (2) \$ |          |              |          |   | <u>0.00</u> |

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| <u>Large Entity</u>       |                 | <u>Small Entity</u> |                 | <u>Fee Description</u>   | <u>Fee Paid</u> |
|---------------------------|-----------------|---------------------|-----------------|--|-----------------|
| <u>Fee Code</u>           | <u>Fee (\$)</u> | <u>Fee Code</u>     | <u>Fee (\$)</u> |  |                 |
| 1051                      | 130             | 2051                | 65              | Surcharge - late filing fee or oath  |                 |
| 1052                      | 50              | 2052                | 25              | Surcharge - late provisional filing fee or cover sheet                     |                 |
| 1053                      | 130             | 1053                | 130             | Non-English specification  |                 |
| 1812                      | 2,520           | 1812                | 2,520           | For filing a request for ex parte reexamination                            |                 |
| 1813                      | 8,800           | 1813                | 8,800           | Request for inter parties reexamination                                    |                 |
| 1804                      | 920*            | 1804                | 920*            | Requesting publication of SIR prior to Examiner action                     |                 |
| 1805                      | 1,840*          | 1805                | 1,840*          | Requesting publication of SIR after Examiner action                        |                 |
| 1251                      | 110             | 2251                | 55              | Extension for reply within first month                                     |                 |
| 1252                      | 410             | 2252                | 205             | Extension for reply within second month                                    |                 |
| 1253                      | 930             | 2253                | 465             | Extension for reply within third month                                     |                 |
| 1254                      | 1,450           | 2254                | 725             | Extension for reply within fourth month                                    |                 |
| 1255                      | 1,970           | 2255                | 985             | Extension for reply within fifth month                                     |                 |
| 1401                      | 320             | 2401                | 160             | Notice of Appeal   |                 |
| 1402                      | 320             | 2402                | 160             | Filing a brief in support of an appeal                                     |                 |
| 1403                      | 280             | 2403                | 140             | Request for oral hearing   |                 |
| 1451                      | 1,510           | 1451                | 1,510           | Petition to institute a public use proceeding                              |                 |
| 1452                      | 110             | 2452                | 55              | Petition to revive - unavoidable   |                 |
| 1453                      | 1,300           | 2453                | 650             | Petition to revive - unintentional   |                 |
| 1501                      | 1,300           | 2501                | 650             | Utility issue fee (or reissue)   |                 |
| 1502                      | 470             | 2502                | 235             | Design issue fee   |                 |
| 1503                      | 630             | 2503                | 315             | Plant issue fee  |                 |
| 1460                      | 130             | 1460                | 130             | Petitions to the Commissioner  |                 |
| 1807                      | 50              | 1807                | 50              | Processing fee under 37 CFR 1.17(q)  |                 |
| 1806                      | 180             | 1806                | 180             | Submission of Information Disclosure Stmt                                  |                 |
| 8021                      | 40              | 8021                | 40              | Recording each patent assignment per property (times number of properties) |                 |
| 1809                      | 750             | 2809                | 375             | For filing a submission after final rejection (see 37 CFR 1.129(a))        |                 |
| 1814                      | 110             | 2814                | 55              | Statutory Disclaimer   |                 |
| 1810                      | 750             | 2810                | 375             | For each additional invention to be examined (see 37 CFR 1.129(b))         |                 |
| 1801                      | 750             | 2801                | 375             | Request for Continued Examination (RCE)                                    | 750.00          |
| 1802                      | 900             | 1802                | 900             | Request for expedited examination of a design application                  |                 |
| 1504                      | 300             | 1504                | 300             | Publication fee for early, voluntary, or normal pub.                       |                 |
| 1505                      | 300             | 1505                | 300             | Publication fee for republication  |                 |
| 1803                      | 130             | 1803                | 130             | Request for voluntary publication or republication                         |                 |
| 1808                      | 130             | 1808                | 130             | Processing fee under 37 CFR 1.17(i) (except provisionals)                  |                 |
| 1454                      | 1,300           | 1454                | 1,300           | Acceptance of unintentionally delayed claim for priority                   |                 |
| Other fee (specify) _____ |                 |                     |                 |  |                 |
| Other fee (specify) _____ |                 |                     |                 |  |                 |

**SUBTOTAL (3) \$ 750.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Mark L. WatsonSignature: \_\_\_\_\_ Date: September 22, 2003Reg. Number: 46,322 Telephone Number: 303-740-1980